

**STATEMENT OF THE HONORABLE DANNY K. DAVIS
AT THE SUBCOMMITTEE ON CIVIL SERVICE
AND AGENCY ORGANIZATION
HEARING ON**

**GENERAL ACCOUNTING OFFICE
HUMAN CAPITAL REFORM: LEADING THE WAY**

July 16, 2003

I would like to thank the chair for holding this hearing and welcome the witnesses.

This year marks the 120th anniversary of the Pendleton Act, which created the modern civil service. Prior to the passage of this important law, the federal government was governed by a spoils system in which cronyism, bribery, and graft were rampant.

Theodore Roosevelt, who served as one of the first civil service commissioners, described the spoils system as “more fruitful of degradation in our political life than any other that could possibly have been invented. The spoils-monger, the man who peddled patronage, inevitably bred the vote-buyer, the vote-seller, and the man guilty of misfeasance in office.”

One of the great innovations of our democracy is the creation of a professional and competent civil service that is relatively immune from political pressures and that maintains continuity from president to president. Unfortunately, over the past few years, we have seen agency after agency seek waivers and exemptions from these landmark civil service laws.

Last year, Congress granted broad waivers to the new Department of Homeland Security. Similarly sweeping waivers were granted to the Department of Defense two months ago. And other agencies, including the FAA, SEC, and NASA, have requested waivers recently.

In some cases, these personnel flexibilities were properly granted. For example, I agree that the SEC needs the ability to quickly hire accountants and examiners to implement the new Sarbanes-Oxley law. However, in other instances, we have gone too far in accommodating the requests of certain agencies. The authorities that the House granted to DoD will eviscerate the fundamental rights of almost 700,000 employees.

Civil service reform is an important task for this Committee, but I question whether we are approaching that task in the proper manner. The Committee is considering agency requests on an ad hoc basis. There appears to be no rhyme or reason as to which flexibilities are granted and which aren't, which rights are protected and which aren't. Instead of examining each agency request separately, we should be

spending our time looking at government-wide reforms. Unfortunately, we don't seem to be doing that.

The agency request before us today comes from the General Accounting Office. Although I am concerned about the process by which we are considering civil service reform, I am interested in learning more about GAO's request and how these flexibilities will enhance GAO's ability to perform its mission. After all, if GAO can't do its job effectively, then Congress can't perform its oversight role.

From what I know of the GAO proposal, I do have two recommendations. The GAO Personnel Flexibilities Act, which became law in 2000, granted the Comptroller General authority to implement personnel changes at GAO. The Act required that GAO provide Congress with a report assessing the agency's use of the personnel flexibilities provided for in the Act. The current proposal has no such reporting requirement and it should.

Additionally, the proposal would provide newly hired high-grade, managerial or supervisory personnel with annual leave that exceeds what is provided in current law. Under this provision, these individuals would receive 20 days of annual leave instead of the 13 days other new federal employees receive. If annual leave limits are barriers to effective recruitment and retention, this provision should be expanded to include all new hires at GAO. I trust GAO will work with me to address these issues.

I look forward to hearing the testimony of the witnesses. Thank you